

Application/Control Number: 10/802,921
Art Unit: 2123

Page 2

12/18/08

You may have taken circumvent out of your template but you didn't take it out of your interview summary.

Art Unit: 2123

12/17/08

You action includes an interview summary, not listed on the PTO37.

x

Interview summary, language awkward, you state for example "amend the claims have been amended...", I assume you are simply saying, "the claims have been amended..." I also added (previously forgotten):

As to independent claims 10, 15, 44, and 52; no need to amend the claims to bring the claim language in conformity with 101, as Examiner had previously stated.

x

Also, the term "circumvent" is not standard or a legal term, recommend you state claim 70 will be cancelled to overcome the 112 issues. The term circumvent in the MPEP is used when applicant have done something improper or are trying to bypass a proper procedure. Either a rejection is overcome or withdrawn, not overcomed.

I was using language from my templates

all circumvent instances taken out of all my templates.

x

Amendment to claim 61, looking at the pre-allow sheet, the notes stat that for claim 61, "get rid of "capable of" replace w/ when executed..." The amendment to the claim changes to a medium having computer-executable instructions... but they are still not executed. The claim should read "... medium having computer-executable instructions that when executed perform the method of designing....

Dwin also said to match claim 61's preamble to claim 27, because claim 27 has no 101 issues. So, that's what I told the lawyer & then did.

x

In the action you again state, Claim 61, has been amended to overcome 101 issues.

Claim 70 has been canceled to overcome 112 issues. The term should be overcome.

I was using language from my templates

all circumvent instances taken out of all my templates.

x

Regarding the 112 6th issue. Claim 1, 35, only has one claim limitation written in "means for" language, looking at applicants remarks, they never point to specifically where or what in the specification defines the meets and bounds of the means for language. You need to make sure that the description in the spec is clear as to what the "means for zones being arranged" comprises. Either you need to write a reasons for allowance for claim 1 and 35 which describes what is in the spec and what that means for is, because it is not clear from the arguments. (Similar issues with the other means for claims, it's not clear from the arguments or the record why the claims are allowed.)

I added:

Claims ... are allowed over prior art of record for the means for language, *which the Examiner interprets as in the description of the instant application paragraphs [0028,*

Art Unit: 2123

0029 and 0031], in light of the arguments filed 8/6/2008, (see page 18, 5th paragraph), wherein Applicant invokes 112 sixth paragraph.

x

Regarding the reasons for allowance of 10..., it appears that it's only the "fully automating" that renders the claim allowable, it also appears that you have to read meaning and limitations into the claim in order to have the claim read over the prior art of record. Is reading limitations and meaning into the claim proper? Only pointing to "fully automating" seems to be inadequate to render claim 10 allowable over the prior art of record, based upon your reliance on reading spec and arguments into the claim. You need to refer to more of the claim language to render this claim allowable.

This issue of "fully automating" is what I've going at with it the lawyer for a while. My Lohmann, Pre-Grant publication 20020026296, ref in paragraph [0032] says: "[0032] The inventive method is used to **automatically** configure component arrangements, i.e. to **automatically** define the spatial arrangement of structural components relative to each other, and the optimization thereof with respect to their functional positions (for example the visibility and/or reachability of components that must be accessed by passengers) and/or with respect to regulations and other requirements limiting the allowable arrangements, and/or with respect to the quantity or number of the components. This method is an **automated** method in which the constantly repeated special knowledge of the designer and builder of a component arrangement (such as an aircraft cabin) is formulated as a system of data and rules, which is then documented and can be repeatedly called-up and applied as needed in an **automated** manner for repetitious similar applications or other applications that share similar components, restrictions, and the like."

His arg is: your Lohmann's automating is not "fully automating" as disclosed. So, I restricted him to his disclosed and argued "fully automating".

pre:

none of these references ... disclose ... including:
claims 10, 27, 44, and 61 "fully automating";

changed to:

none of these references ... disclose ... including:
claim 10 "fully automating the arranging of interior section of the passenger vehicle while checking clearances and certification requirements for the entire interior whenever a change is made",
claim 27 "fully automating the arranging of all digital definitions of the interior objects in the interior section while checking clearances and certification requirements for the entire interior whenever a change is made, and zones being arranged in a hierarchy wherein each zone represents a smaller portion of the vehicle, and there is at least one or more smaller zones inside a larger zone",
claim 44 "fully automating the arranging of interior objects while checking clearances and certification requirements for the entire interior whenever a change is made",

Art Unit: 2123

claim 61 "fully automating the arranging of interior objects while checking clearances and certification requirements for the entire interior whenever a change is made, an object placing sequence including every object in the system having a zone that defines the boundaries within which it can be placed, accommodating full automation",

x

pre:

argued as

changed to:

specifically argued as

x

DETAILED ACTION

1. The amendment filed 8/6/2008 has been received and considered. Claim 70 is cancelled via Examiner's Amendment. Claims 1–69 and 71–75 are presented for examination.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Sahota on 12/16/08.

4. The application has been amended as follows:

5. Claim 24 line 2, the term "said database" has been replaced with the term -- said digital definition --.

6. Claim 58 line 2, the term "said database" has been replaced with the term -- said digital definition --.

7. Claim 61 lines 1–2, the term "medium comprising code capable of instructing a computer to perform a method" has been replaced with the term --medium having computer-executable instructions for performing a method--.

8. Claim 70 has been canceled via examiner's amendment.

9. Claim 71 line 1, the term "comprising of" has been replaced with the word -- comprising--.

10. Claim 72 line 1, the term “comprising of” has been replaced with the word -- comprising--.

11. Claim 73 line 1, the term “comprising of” has been replaced with the word -- comprising--.

12. Claim 74 line 1, the term “comprising of” has been replaced with the word -- comprising--.

13. Claim 61, has been amended to overcome 101 issues.

14. Claim 70 has been canceled to overcome 112 issues.

15. Examiner notes that claims 24, 58, and 71–74 are currently amended to bring the claim language in conformity with that of the base claims from which claims 24, 58, and 71–74 depend.

Allowable Subject Matter

16. Claims 1–69 and 71–75 are allowed over prior art of record.

17. Claims 1–9, 18–26, 35–43, 52–60, 69, and 71–74 are allowed over prior art of record for the “means for” language, which the Examiner interprets as in the description of the instant application paragraphs [0028, 0029 and 0031], in light of the arguments filed 8/6/2008, (see page 18, 5th paragraph), wherein Applicant invokes 112 sixth paragraph.

18. As to claims 10–17, 27–34, 44–51, 61–68, and 75 the following is an examiner's statement of reasons for allowance:

19. While Noma, Pre–Grant publication 20040010398 (see PTO-892 Notice of Reference Cited dated 3/12/07), discloses whether a second change to the interior section of the passenger vehicle is necessary because of the first change to the interior section of the passenger vehicle (see "the program receives user's inputs using the pointing device, determines a portion and its deformation contents designated by an input command, and changes coordinate data in accordance with the command" in paragraph [0206]), and e) executing the second change to the interior section of the passenger vehicle by updating said digital definition (see Fig. 26, item Nos. S14, S15, and S17),

Lohmann, Pre–Grant publication 20020026296 (see PTO-892 Notice of Reference Cited dated 3/12/07), discloses a method further comprising of fully automating the arranging of interior objects while checking clearances and certification requirements for the entire interior whenever a change is made (see paragraph [0032]),

Weber, U.S. Patent 6,113,644 (see PTO-892 Notice of Reference Cited dated 3/12/07), discloses a system further comprising of a means for zones being arranged in a hierarchy wherein each zone represents a smaller portion of the vehicle, and there is at least one or more smaller zones inside a larger zone (see col. 6, lines 10–21),

Robert Brauer, U.S. Patent 5,611,503. (See PTO-892 Notice of Reference Cited dated 3/12/07),

Brauer, U.S. Patent 5,611,503. (See PTO-892 Notice of Reference Cited dated 3/12/07), discloses a system further comprising a means for determining the maximum number of seats that can fit in a section of the interior/configurable space, based on said parameters and the location of other objects in the interior (see claim 13), none of these references taken either alone or in combination and in the same relationship with the prior art of record disclose a design of an interior section of a passenger vehicle specifically including:

claim 10 "fully automating the arranging of interior section of the passenger vehicle while checking clearances and certification requirements for the entire interior whenever a change is made",

claim 27 "fully automating the arranging of all digital definitions of the interior objects in the interior section while checking clearances and certification requirements for the entire interior whenever a change is made, and zones being arranged in a hierarchy wherein each zone represents a smaller portion of the vehicle, and there is at least one or more smaller zones inside a larger zone",

claim 44 "fully automating the arranging of interior objects while checking clearances and certification requirements for the entire interior whenever a change is made",

claim 61 "fully automating the arranging of interior objects while checking clearances and certification requirements for the entire interior whenever a change is made, an object placing sequence including every object in the system having a zone that defines the boundaries within which it can be placed, accommodating full automation",

which the Examiner interprets as "a Knowledge Based Interior Development tool that enhances and automates the process for developing interior configurations" (see description of the instant application paragraph [0022]); "The Knowledge Based Interior Development tool enables the users to easily and efficiently access and share geometry and parameter data for the development of interior designs while consistently checking and assuring compliance with certification regulations" (see description of the instant application paragraph [0023]); "Because all of the components are inter-related through zones and awareness of boundaries, the update is completed automatically. Following the example above, if the configurator reduces the recline distance of the seats in the last row by one inch, enough space may be freed up behind that row to insert another row of seats. The system knows this because the code is programmed to insert rows of seats behind other rows of seats if another monument (or the aft bulkhead) is not in the way. Thus, by changing the attributes of one row of seats, another row of seats is added automatically" (see description of the instant application paragraph [0038]); and "Because of the automated nature of the system, updates can be concluded in a much shorter amount of time than was previously possible. This allows for live configuration during a demonstration to a customer, which was impractical with longer configuration times" (see description of the instant application paragraph [0047]) specifically argued as "the specification shows that the arranging of the interior section of vehicle and checking of clearances and certifications are automatically done without manual input, such as impractical long configuration times, thereby being fully automatic" (see Applicant's arguments filed 8/6/2008 page 19, 2nd paragraph) and "The specification of

Lohman states that configuration is automated, but it does not teach or suggest that the entire interior is affected as in the present claimed invention. Lohman fails to take into account and is not capable of processing the variables of all the interior changes as seen in the present invention, but rather only looks at certain ones" (see Applicant's arguments filed 8/6/2008 page 21, 1st paragraph), in combination with and in the same relationship with the remaining elements and features of the claimed invention. Also, there is no motivation to combine these references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Response to Arguments

20. Applicant's arguments filed 8/6/2008 have been fully considered, and they are persuasive.

Conclusion

21. Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan C. Ochoa whose telephone number is (571) 272-2625. The examiner can normally be reached on 7:30AM - 4:00 PM.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C. O./ 12/15/08

Examiner, Art Unit 2123

/Paul L Rodriguez/

Supervisory Patent Examiner, Art Unit 2123